

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:16-cv-01790-DLF**

COLBERT v. FEDERAL BUREAU OF INVESTIGATION et al

Assigned to: Judge Dabney L. Friedrich  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/08/2016

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**THOMAS J. COLBERT**  
*TJC Consulting, LLC*

represented by **Mark Steven Zaid**  
LAW OFFICES OF MARK S. ZAID,  
P.C.  
1250 Connecticut Avenue, NW  
Suite 700  
Washington, DC 20036  
(202) 454-2809  
Fax: (202) 330-5610  
Email: [Mark@MarkZaid.com](mailto:Mark@MarkZaid.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Bradley Prescott Moss**  
LAW OFFICES OF MARK S. ZAID,  
P.C.  
1250 Connecticut Avenue, NW  
Suite 700  
Washington, DC 20036  
(202) 454-2809  
Fax: (202) 330-5610  
Email: [brad@markzaid.com](mailto:brad@markzaid.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**FEDERAL BUREAU OF  
INVESTIGATION**

represented by **Jeremy S. Simon**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2528  
Fax: (202) 252-2599  
Email: [jeremy.simon@usdoj.gov](mailto:jeremy.simon@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**DEPARTMENT OF JUSTICE**

represented by **Jeremy S. Simon**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Movant**

**ROBERT RACKSTRAW**

represented by **ROBERT RACKSTRAW**  
941 Orange Avenue  
#128  
Coronado, CA 92118  
951/314-2575

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| Date Filed | #         | Docket Text                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/08/2016 | <u>1</u>  | COMPLAINT against DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION ( Filing fee \$ 400 receipt number 0090-4665458) filed by THOMAS J COLBERT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons DOJ, # <u>3</u> Summons FBI, # <u>4</u> Summons USADC, # <u>5</u> Summons USAG)(Moss, Bradley) (Entered: 09/08/2016)                                                                                                                                                                                                                                                                                                                          |
| 09/12/2016 |           | Case Assigned to Judge Randolph D. Moss. (zsb) (Entered: 09/12/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 09/12/2016 | <u>2</u>  | SUMMONS (4) Issued Electronically as to DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Consent Form)(zsb) (Entered: 09/12/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 09/29/2016 | <u>3</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF JUSTICE served on 9/15/2016 (Attachments: # <u>1</u> Certificate of Service)(Moss, Bradley) (Entered: 09/29/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 09/29/2016 | <u>4</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 9/16/2016 (Attachments: # <u>1</u> Certificate of Service)(Moss, Bradley) (Entered: 09/29/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 09/29/2016 | <u>5</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/15/16. (Attachments: # <u>1</u> Certificate of Service)(Moss, Bradley) (Entered: 09/29/2016)                                                                                                                                                                                                                                                                                                                                                                                                               |
| 09/29/2016 | <u>6</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/15/2016. Answer due for ALL FEDERAL DEFENDANTS by 10/15/2016. (Attachments: # <u>1</u> Certificate of Service)(Moss, Bradley) (Entered: 09/29/2016)                                                                                                                                                                                                                                                                                                                                                              |
| 10/17/2016 | <u>7</u>  | ANSWER to Complaint by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION.(Simon, Jeremy) (Entered: 10/17/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 10/17/2016 | <u>8</u>  | NOTICE of Appearance by Mark Steven Zaid on behalf of THOMAS J. COLBERT (Zaid, Mark) (Entered: 10/17/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 10/26/2016 | <u>9</u>  | ORDER FOR INITIAL SCHEDULING CONFERENCE: The Initial Scheduling Conference is hereby set for December 1, 2016, at 2:00 p.m. See attached order for details. Signed by Judge Randolph D. Moss on 10/26/2016. (lcrdm3, ) (Entered: 10/26/2016)                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 10/26/2016 | <u>10</u> | STANDING ORDER: See attached document for details. Signed by Judge Randolph D. Moss on 10/26/2016. (lcrdm3, ) (Entered: 10/26/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 10/26/2016 |           | Set/Reset Hearings: Initial Scheduling Conference set for 12/1/2016, at 2:00 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 10/26/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 11/07/2016 | <u>11</u> | Joint MOTION to Clarify and to Reschedule Initial Scheduling Conference by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy). Added MOTION to Continue on 11/8/2016 (znmw). (Entered: 11/07/2016)                                                                                                                                                                                                                                                                                                                                                                                                    |
| 11/07/2016 |           | MINUTE ORDER: Upon consideration of the Joint Motion to Clarify and to Reschedule the Initial Scheduling Conference <u>11</u> , the motion is hereby GRANTED. The Order for Initial Scheduling Conference <u>9</u> is hereby VACATED, and the hearing set for December 1, 2016 is hereby VACATED. It is FURTHER ORDERED that the parties shall instead file a joint status report on or before December 1, 2016, addressing the status of the FOIA request at issue and any proposed production and/or briefing schedule. Signed by Judge Randolph D. Moss on 11/7/2016. (lcrdm3, ) Modified on 11/8/2016 to add vacated hearing date (kt). (Entered: 11/07/2016) |
| 11/08/2016 |           | Set/Reset Deadlines: The Hearing set for 12/1/2016 is VACATED; The parties shall instead file a joint status report on or before 12/1/2016. (kt) (Entered: 11/08/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| 12/01/2016 | <u>12</u> | STATUS REPORT <i>of the Parties</i> by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Simon, Jeremy) (Entered: 12/01/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 12/02/2016 |           | MINUTE ORDER: In light of the parties' joint status report <u>12</u> , it is hereby ORDERED that the parties shall appear for a status conference on December 12, 2016, at 2:00 p.m., to discuss the parties' competing positions regarding the number of pages the FBI should be required to process per month. Signed by Judge Randolph D. Moss on 12/2/2016. (lcrdm3, ) (Entered: 12/02/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 12/02/2016 |           | Set/Reset Hearings: A Status Conference is set for 12/12/2016, at 2:00 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 12/02/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 12/05/2016 | <u>13</u> | Joint MOTION to Reschedule Status Conference by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 12/05/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 12/05/2016 |           | MINUTE ORDER: Upon consideration of the joint Motion to Reschedule Status Conference <u>13</u> , the motion is hereby GRANTED. The status conference previously scheduled for December 12, 2016, is hereby VACATED and RESCHEDULED for December 14, 2016, at 11 a.m. Signed by Judge Randolph D. Moss on 12/5/2016. (lcrdm3, ) (Entered: 12/05/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 12/06/2016 |           | Set/Reset Hearings: The Status Conference set for 12/12/2016 is VACATED and RESCHEDULED for 12/14/2016, at 11:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 12/06/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 12/13/2016 | <u>14</u> | NOTICE <i>of Filing of Declaration in Support of Defendants' Proposed Processing Schedule</i> by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Declaration of David M. Hardy)(Simon, Jeremy) (Entered: 12/13/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 12/14/2016 |           | Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 12/14/2016. A further Status Conference is set for 1/10/2017, at 2:00 PM, in Courtroom 21, before Judge Randolph D. Moss. (Court Reporter: Crystal Pilgrim). (kt) (Entered: 12/14/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 12/14/2016 | <u>15</u> | NOTICE <i>of Filing of Corrected Declaration of David M. Hardy (correcting declaration filed at docket entry no. 14)</i> by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION re <u>14</u> Notice (Other) (Attachments: # <u>1</u> Corrected Declaration of David M. Hardy)(Simon, Jeremy) (Entered: 12/14/2016)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 01/10/2017 |           | Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 1/10/2017. Order forthcoming as to briefing schedule. (Court Reporter: Jeff Hook). (kt) (Entered: 01/10/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 01/10/2017 |           | MINUTE ORDER: As discussed at today's status conference, it is hereby ORDERED that Plaintiff shall move for partial summary judgment on or before February 10, 2017; that Defendant shall file an opposition and, if it so chooses, a cross-motion for partial summary judgment, on or before March 16, 2017; that Plaintiff shall file a reply and, if appropriate, an opposition, on or before April 14, 2017; and that Defendant shall, if appropriate, file a final reply on or before May 11, 2017. In the event that Defendant files a <i>Glomar</i> response to Plaintiffs' motion, Defendant may file an <i>ex parte</i> submission <i>in camera</i> in support of that response. It is FURTHER ORDERED that the parties shall submit a joint status report regarding Defendant's continuing monthly productions on or before April 6, 2017. Signed by Judge Randolph D. Moss on 1/10/2017. (lcrdm3, ) Modified on 1/10/2017 to correct final reply date and substitute "Minute" Order for "Scheduling" Order (kt). (Entered: 01/10/2017) |
| 01/10/2017 |           | Set/Reset Deadlines: Plaintiff shall move for partial summary judgment on or before 2/10/2017; Defendant shall file an opposition and, if it so chooses, a cross-motion for partial summary judgment, on or before 3/16/2017; Plaintiff shall file a reply and, if appropriate, an opposition, on or before 4/14/2017; Defendant shall, if appropriate, file a final reply on or before 5/11/2017. The parties shall submit a joint status report regarding Defendant's continuing monthly productions on or before 4/6/2017. (kt) (Entered: 01/10/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 02/10/2017 | <u>16</u> | Consent MOTION for Extension of Time to File <i>Motion for Partial Summary Judgment</i> by THOMAS J. COLBERT (Attachments: # <u>1</u> Text of Proposed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|            |           | Order)(Zaid, Mark) (Entered: 02/10/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 02/13/2017 |           | MINUTE ORDER: Upon consideration of Plaintiff's Consent Motion for Extension of Time to File Motion for Partial Summary Judgment <u>16</u> , the motion is hereby GRANTED. It is hereby ORDERED that the briefing schedule be amended as follows: Plaintiff shall move for partial summary judgment on or before February 24, 2017; Defendant shall file an opposition and, if it so chooses, a cross-motion for partial summary judgment, on or before March 30, 2017; Plaintiff shall file a reply and, if appropriate, an opposition, on or before April 28, 2017; and Defendant shall, if appropriate, file a final reply on or before May 20, 2017. In the event that Defendant files a Glomar response to Plaintiffs' motion, Defendant may file an ex parte submission in camera in support of that response. Additionally, the requirement that the parties submit a joint status report regarding Defendant's continuing monthly productions on or before April 6, 2017, remains unchanged. Signed by Judge Randolph D. Moss on 2/13/2017. (lcrdm3, ) (Entered: 02/13/2017)                                                                                                  |
| 02/13/2017 |           | Set/Reset Deadlines: Plaintiff shall move for partial summary judgment on or before 2/24/2017; Defendant shall file an opposition and, if it so chooses, a cross-motion for partial summary judgment, on or before 3/30/2017; Plaintiff shall file a reply and, if appropriate, an opposition, on or before 4/28/2017; and Defendant shall, if appropriate, file a final reply on or before 5/20/2017. (kt) (Entered: 02/13/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 02/23/2017 | <u>17</u> | Consent MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by THOMAS J. COLBERT (Attachments: # <u>1</u> Text of Proposed Order)(Zaid, Mark) (Entered: 02/23/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 02/24/2017 |           | MINUTE ORDER: Upon consideration of Plaintiff's second Consent Motion for Extension of Time to File Motion for Partial Summary Judgment <u>17</u> , the motion is hereby GRANTED. It is hereby ORDERED that the briefing schedule be amended as follows: Plaintiff shall move for partial summary judgment on or before March 10, 2017; Defendant shall file an opposition and, if it so chooses, a cross-motion for partial summary judgment, on or before April 21, 2017; Plaintiff shall file a reply and, if appropriate, an opposition, on or before May 17, 2017; and Defendant shall, if appropriate, file a final reply on or before June 7, 2017. In the event that Defendant files a <i>Glomar</i> response to Plaintiffs' motion, Defendant may file an <i>ex parte</i> submission <i>in camera</i> in support of that response. Additionally, the requirement that the parties submit a joint status report regarding Defendant's continuing monthly productions on or before April 6, 2017, remains unchanged. Signed by Judge Randolph D. Moss on 2/24/2017. (lcrdm3, ) (Entered: 02/24/2017)                                                                           |
| 02/24/2017 |           | Set/Reset Deadlines: Plaintiff shall move for partial summary judgment on or before 3/10/2017; Defendant shall file an opposition and, if it so chooses, a cross-motion for partial summary judgment, on or before 4/21/2017; Plaintiff shall file a reply and, if appropriate, an opposition, on or before 5/17/2017; Defendant shall, if appropriate, file a final reply on or before 6/7/2017. (kt) (Entered: 02/24/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 03/06/2017 | <u>18</u> | COVER SHEET by ROBERT RACKSTRAW "LEAVE TO FILE GRANTED" by Judge Randolph D. Moss(zrdj) (Entered: 03/07/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 03/06/2017 | <u>19</u> | AMICUS CURIAE by ROBERT RACKSTRAW. "LEAVE TO FILE GRANTED" by Judge Randolph D. Moss(zrdj) (Entered: 03/07/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 03/07/2017 |           | <p>MINUTE ORDER: Upon consideration of Robert Rackstraw's recent filings, which the Court construes as a Motion for Leave to File Brief as <i>Amicus Curiae</i> <u>18</u> and the proposed <i>amicus</i> brief itself <u>19</u> , Rackstraw's motion is hereby DENIED without prejudice. The proposed brief almost exclusively addresses issues not raised in this Freedom of Information Act ("FOIA") case, and there is no pending motion which the amicus brief could support.</p> <p>The Court recognizes, however, that Rackstaw may have an interest in the question whether disclosure of documents responsive to Plaintiff's FOIA request "would constitute a clearly unwarranted invasion of [Rackstraw's] personal privacy." 5 U.S.C. § 552(b)(6). Plaintiff's forthcoming motion for partial summary judgment is currently due on or before March 10, 2017, and may address that question. To the extent Rickshaw would also like to file a brief addressing that question, he may renew his motion for leave to file after Plaintiff's motion is filed. Rackstraw is cautioned, however, that any further briefs must be limited to the FOIA issues before the Court.</p> |

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|            |           | The Clerk is directed to mail a copy of this Minute Order to Rackstraw at his address of record. Signed by Judge Randolph D. Moss on 3/7/2017. (lcrdm3, ) (Entered: 03/07/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 03/10/2017 | <u>20</u> | Consent MOTION for Extension of Time to File <i>Motion for Partial Summary Judgment</i> by THOMAS J. COLBERT (Attachments: # <u>1</u> Text of Proposed Order)(Zaid, Mark) (Entered: 03/10/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 03/13/2017 |           | MINUTE ORDER: Upon consideration of Plaintiff's third Consent Motion for Extension of Time to File Motion for Partial Summary Judgment <u>20</u> , the motion is hereby GRANTED. It is hereby ORDERED that the briefing schedule be amended as follows: Plaintiff shall move for partial summary judgment on or before March 29, 2017; Defendant shall file an opposition and, if it so chooses, a cross-motion for partial summary judgment, on or before May 10, 2017; Plaintiff shall file a reply and, if appropriate, an opposition, on or before June 12, 2017; and Defendant shall, if appropriate, file a final reply on or before June 30, 2017. In the event that Defendant files a <i>Glomar</i> response to Plaintiffs' motion, Defendant may file an <i>ex parte</i> submission <i>in camera</i> in support of that response. Additionally, the requirement that the parties submit a joint status report regarding Defendant's continuing monthly productions on or before April 6, 2017, remains unchanged. Signed by Judge Randolph D. Moss on 3/13/2017. (lcrdm3, ) (Entered: 03/13/2017) |
| 03/13/2017 |           | Set/Reset Deadlines: Plaintiff shall move for partial summary judgment on or before 3/29/2017; Defendant shall file an opposition and, if it so chooses, a cross-motion for partial summary judgment, on or before 5/10/2017; Plaintiff shall file a reply and, if appropriate, an opposition, on or before 6/12/2017; Defendant shall, if appropriate, file a final reply on or before 6/30/2017. (kt) (Entered: 03/13/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 03/29/2017 | <u>21</u> | MOTION for Summary Judgment <i>or Alternatively Discovery</i> by THOMAS J. COLBERT (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Exhibit 1 – Sacramento Bee Article, # <u>4</u> Exhibit 2 – San Bernardino Article, # <u>5</u> Exhibit 3 – Stockton Record Article, # <u>6</u> Exhibit 4 – Two California Articles, # <u>7</u> Exhibit 5 – Seattle Times Article, # <u>8</u> Exhibit 6 – Zaid 56(f) Declaration, # <u>9</u> Exhibit 7 – Colbert Declaration, # <u>10</u> Exhibit 7A – Bulky Exhibit, # <u>11</u> Exhibit 7B – Rackstraw Photo, # <u>12</u> Exhibit 7C – Challenging FBI's Decision, # <u>13</u> Exhibit 8 – Bocciolatt Declaration, # <u>14</u> Exhibit 9 – Stockton Record Article, # <u>15</u> Text of Proposed Order)(Zaid, Mark). Added MOTION for Discovery on 3/30/2017 (td). (Entered: 03/29/2017)                                                                                                                                                                                                                                      |
| 03/30/2017 | <u>22</u> | NOTICE of Errata by THOMAS J. COLBERT re <u>21</u> MOTION for Summary Judgment <i>or Alternatively Discovery</i> MOTION for Discovery (Attachments: # <u>1</u> Exhibit 1 – Table of Contents, # <u>2</u> Exhibit 2 – Table of Authorities, # <u>3</u> Exhibit 7–A)(Zaid, Mark) (Entered: 03/30/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 04/06/2017 | <u>23</u> | Joint STATUS REPORT by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Simon, Jeremy) (Entered: 04/06/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 04/06/2017 |           | MINUTE ORDER: Upon consideration of the parties' Joint Status Report <u>23</u> , the Court hereby ORDERS as follows: (1) The parties shall file a further Joint Status Report regarding production on or before June 30, 2017; (2) A motion hearing on the pending motion for summary judgment <u>21</u> (and any potential cross-motion) is set for July 14, 2017, at 10:00 a.m.; and (3) the parties shall be prepared to address any dispute regarding the rate of production at the July 14, 2017, motion hearing. Signed by Judge Randolph D. Moss on 4/6/2017. (lcrdm3, ) (Entered: 04/06/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 04/06/2017 |           | Set/Reset Deadlines/Hearings: The parties shall file a further Joint Status Report on or before 6/30/2017. A Motion Hearing is set for 7/14/2017, at 10:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 04/06/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 05/04/2017 | <u>24</u> | Consent MOTION for Extension of Time to File <i>Opposition and Cross-Motion, Adjust Briefing Schedule and Reschedule Motions Hearing</i> by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 05/04/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 05/10/2017 |           | MINUTE ORDER: Upon consideration of Defendants' Consent Motion for Extension of Time for Defendants to File Opposition and Cross-Motion and to Reschedule                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|            |           | Motions Hearing <u>24</u> , the motion is hereby GRANTED. It is ORDERED that Defendants shall file their opposition to Plaintiff's motion for partial summary judgment and any cross-motion on or before May 17, 2017; that Plaintiff shall file his reply and opposition to any cross-motion on or before June 19, 2017; and that Defendants shall file any final reply on or before July 7, 2017. It is FURTHER ORDERED that the motion hearing set for July 14, 2017, be VACATED pending further order from the Court. Signed by Judge Randolph D. Moss on 5/10/2017. (lcrdm3, ) (Entered: 05/10/2017) |
| 05/10/2017 |           | Set/Reset Deadlines: Defendants opposition to Plaintiff's motion for partial summary judgment and any cross-motion due on or before 5/17/2017; Plaintiff's reply and opposition to any cross-motion due on or before 6/19/2017; Defendants final reply due on or before 7/7/2017. (kt) (Entered: 05/10/2017)                                                                                                                                                                                                                                                                                              |
| 05/17/2017 | <u>25</u> | Memorandum in opposition to re <u>21</u> MOTION for Summary Judgment <i>or Alternatively Discovery</i> MOTION for Discovery filed by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Defendants' Response to Plaintiff's Local Rule 7(h) Statement, # <u>2</u> Proposed Order, # <u>3</u> Third Declaration of David M. Hardy)(Simon, Jeremy) (Entered: 05/17/2017)                                                                                                                                                                                                      |
| 05/17/2017 | <u>26</u> | NOTICE of Errata Regarding Third Hardy Declaration by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION re <u>25</u> Memorandum in Opposition, (Simon, Jeremy) (Entered: 05/17/2017)                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 06/19/2017 | <u>27</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION for Summary Judgment <i>or Alternatively Discovery</i> MOTION for Discovery by THOMAS J. COLBERT (Attachments: # <u>1</u> Text of Proposed Order)(Zaid, Mark) (Entered: 06/19/2017)                                                                                                                                                                                                                                                                                                                                    |
| 06/19/2017 |           | MINUTE ORDER: Upon consideration of Plaintiff's Consent Motion for Extension of Time <u>27</u> , the motion is hereby GRANTED. It is ORDERED that Plaintiff shall file his reply brief on or before June 23, 2017. Signed by Judge Randolph D. Moss on 6/19/2017. (lcrdm3, ) (Entered: 06/19/2017)                                                                                                                                                                                                                                                                                                        |
| 06/19/2017 |           | Set/Reset Deadlines: Reply to Motion for Summary Judgment due by 6/23/2017. (kt) (Entered: 06/19/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 06/20/2017 | <u>30</u> | Amended AMICUS BRIEF by ROBERT RACKSTRAW. (td) (Entered: 06/30/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 06/23/2017 | <u>28</u> | REPLY to opposition to motion re <u>21</u> MOTION for Summary Judgment <i>or Alternatively Discovery</i> MOTION for Discovery filed by THOMAS J. COLBERT. (Attachments: # <u>1</u> Exhibit 1 – Rackstraw Boat Listing, # <u>2</u> Exhibit 2 – Skyjack Book Info, # <u>3</u> Exhibit 3 – Unredacted NORJACK Pages)(Zaid, Mark) (Entered: 06/23/2017)                                                                                                                                                                                                                                                       |
| 06/30/2017 | <u>29</u> | Joint STATUS REPORT of the Parties by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Simon, Jeremy) (Entered: 06/30/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 07/06/2017 |           | MINUTE ORDER: Upon consideration of the parties' Joint Status Report <u>29</u> , the parties are hereby ORDERED to file a further joint status report on or before August 30, 2017. It is FURTHER ORDERED that the parties appear for a status conference on September 1, 2017, at 10:00 a.m., to discuss Plaintiff's request for limited discovery in this FOIA action. Signed by Judge Randolph D. Moss on 7/6/2017. (lcrdm3, ) (Entered: 07/06/2017)                                                                                                                                                   |
| 07/06/2017 |           | Set/Reset Deadlines/Hearings: Joint Status Report due by 8/30/2017. Status Conference set for 9/1/2017, at 10:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 07/06/2017)                                                                                                                                                                                                                                                                                                                                                                                                           |
| 08/30/2017 | <u>31</u> | Joint STATUS REPORT by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Exhibit 1 (Defendant's Exhibit), # <u>2</u> Exhibit 2 (Plaintiff's Exhibit))(Simon, Jeremy) (Entered: 08/30/2017)                                                                                                                                                                                                                                                                                                                                                                                 |
| 09/01/2017 |           | Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 9/1/2017. Order forthcoming. (Court Reporter: Jeff Hook.) (kt) (Entered: 09/01/2017)                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| 09/01/2017 |           | MINUTE ORDER: Plaintiff is hereby ORDERED to briefly identify areas in which Plaintiff asserts the Corrected Declaration of David M. Hardy <u>15</u> and/or the Third Declaration of David M. Hardy <u>25</u> fails to adequately address: (1) whether any prior release of records from the NORJACK investigation was without authorization; and (2) the FBI's determination of the processing rate for the productions at issue. It is hereby ORDERED that these questions shall be filed with the Court on or before September 15, 2017. It is further ORDERED that Defendants may file an opposition to the proposed questions on or before September 29, 2017. Signed by Judge Randolph D. Moss on 9/1/17. (lcrdm3, ) (Entered: 09/01/2017) |
| 09/01/2017 |           | Set/Reset Deadlines: Questions to be filed with the Court on or before 9/15/2017; Defendants may file an opposition to the proposed questions on or before 9/29/2017. (kt) (Entered: 09/01/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 09/14/2017 | <u>32</u> | Consent MOTION for Extension of Time to <i>File Questions to Court</i> by THOMAS J. COLBERT (Attachments: # <u>1</u> Text of Proposed Order)(Moss, Bradley) (Entered: 09/14/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 09/14/2017 |           | MINUTE ORDER: Upon consideration of the Consent Motion for Extension of Time <u>32</u> , the motion is hereby GRANTED. The Court ORDERS the Plaintiff to file his questions on or before September 19, 2017. Signed by Judge Randolph D. Moss on 9/14/2017. (lcrdm3, ) (Entered: 09/14/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 09/14/2017 |           | Set/Reset Deadlines: Plaintiff to file his questions on or before 9/19/2017. (kt) (Entered: 09/14/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 09/19/2017 | <u>33</u> | RESPONSE TO ORDER OF THE COURT re Order,, <i>Dated September 1, 2017</i> filed by THOMAS J. COLBERT. (Attachments: # <u>1</u> Exhibit 1 – Grey Book Pages)(Zaid, Mark) (Entered: 09/19/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 09/26/2017 | <u>34</u> | Consent MOTION for Extension of Time to <i>File Opposition to Plaintiff's Proposed Questions</i> by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 09/26/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 09/26/2017 |           | MINUTE ORDER: Upon consideration of the Consent Motion for Extension of Time <u>34</u> , it is hereby ORDERED that the motion is GRANTED. The Defendants shall file any response to the Plaintiff's proposed questions on or before October 10, 2017. Signed by Judge Randolph D. Moss on 9/26/17. (lcrdm3, ) (Entered: 09/26/2017)                                                                                                                                                                                                                                                                                                                                                                                                              |
| 09/27/2017 |           | Set/Reset Deadlines: Defendants shall file any response to the Plaintiff's proposed questions on or before 10/10/2017. (kt) (Entered: 09/27/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 10/10/2017 | <u>35</u> | REPLY re <u>33</u> Response to Order of the Court ( <i>Defendant's Objections to Plaintiff's Proposed Questions</i> ) filed by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Simon, Jeremy) (Entered: 10/10/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 10/18/2017 | <u>36</u> | NOTICE of Filing of Relevant Court Decision by THOMAS J. COLBERT re <u>33</u> Response to Order of the Court (Attachments: # <u>1</u> Exhibit 1 – Boundaoui v. Federal Bureau of Investigation et al)(Zaid, Mark) (Entered: 10/18/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 12/04/2017 |           | Case directly reassigned to Judge Dabney L. Friedrich. Judge Randolph D. Moss is no longer assigned to the case. (ztnr) (Entered: 12/04/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 09/03/2018 | <u>37</u> | ORDER denying the plaintiff's <u>21</u> Motion for Partial Summary Judgment or Alternatively Discovery. See order for additional details. Signed by Judge Dabney L. Friedrich on September 3, 2018. (lcldf2) (Entered: 09/03/2018)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 12/03/2018 | <u>38</u> | STATUS REPORT of the FBI Pursuant to the Court's September 3, 2018 Memorandum Opinion by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Simon, Jeremy) (Entered: 12/03/2018)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12/03/2018 |           | MINUTE ORDER. Having considered defendant FBI's <u>38</u> Status Report, it is ORDERED that the parties shall file a joint status report on or before January 7, 2019 indicating whether the parties request a status conference and, if so, proposing three dates for any such conference. Signed by Judge Dabney L. Friedrich on December 3, 2018. (lcldf1) (Entered: 12/03/2018)                                                                                                                                                                                                                                                                                                                                                              |

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| 12/03/2018 |           | Set/Reset Deadlines/Hearings: Joint Status Report due by 1/7/2019. (jl) (Entered: 12/04/2018)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 01/04/2019 | <u>39</u> | MOTION to Stay <i>in Light of Lapse in Appropriations</i> by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION (Simon, Jeremy) (Entered: 01/04/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 01/04/2019 |           | MINUTE ORDER granting the defendants' <u>39</u> Motion to Stay Proceedings in Light of Lapse in Appropriations. Accordingly, it is ORDERED that this case is STAYED until Congress has restored appropriations to the Department of Justice. It is further ORDERED that the defendants shall promptly notify the Court as soon as appropriations are restored, and at that time, the parties shall file a joint status report indicating whether the parties request a status conference and, if so, proposing three dates for any such conference. Signed by Judge Dabney L. Friedrich on January 4, 2019. (lcldf1) (Entered: 01/04/2019) |
| 01/28/2019 | <u>40</u> | STATUS REPORT ( <i>Joint Notice of Restored Funding and Status Report</i> ) by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Simon, Jeremy) (Entered: 01/28/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 01/28/2019 |           | MINUTE ORDER. In light of the parties' <u>40</u> Joint Notice and Status Report, it is ORDERED that the parties shall appear for a status conference on February 21, 2019 at 11:00 A.M. in Courtroom 12. Signed by Judge Dabney L. Friedrich on January 28, 2019. (lcldf1) (Entered: 01/28/2019)                                                                                                                                                                                                                                                                                                                                           |
| 01/29/2019 |           | Set/Reset Deadlines/Hearings: Status Conference set for 2/21/2019 at 11:00 AM in Courtroom 12 before Judge Dabney L. Friedrich. (jl) (Entered: 01/29/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 02/21/2019 |           | Minute Entry for proceedings held before Judge Dabney L. Friedrich: Status Conference held on 2/21/2019. Parties directed to file a joint status report by 8/1/2019. The status report should update the Court on where things stand in terms of processing, and should also contain three potential hearing dates/times. After review of the joint status report, the Court will schedule a further status conference if deemed necessary. (Court Reporter: Sara Wick) (zcdw) (Entered: 02/21/2019)                                                                                                                                       |
| 02/22/2019 |           | MINUTE ORDER. As stated in the status conference held on February 21, 2019, it is ORDERED that the parties shall file a joint status report on or before August 1, 2019 updating the Court on the status of the defendant's processing of the plaintiff's request and proposing three possible dates for a status conference, if requested. Signed by Judge Dabney L. Friedrich on February 22, 2019. (lcldf1) (Entered: 02/22/2019)                                                                                                                                                                                                       |
| 07/10/2019 | <u>41</u> | NOTICE of Filing of Death of Robert Rackstraw by THOMAS J. COLBERT (Attachments: # <u>1</u> Exhibit A – Newspaper Articles)(Zaid, Mark) (Entered: 07/10/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 08/01/2019 | <u>42</u> | Joint STATUS REPORT by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Simon, Jeremy) (Entered: 08/01/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 08/02/2019 |           | MINUTE ORDER. After considering the FBI's <u>42</u> Status Report, it is ORDERED that the parties shall file another joint status report on or before September 13, 2019 indicating whether the parties request a status conference and, if so, proposing three dates for any such conference. Signed by Judge Dabney L. Friedrich on August 2, 2019. (lcldf1) (Entered: 08/02/2019)                                                                                                                                                                                                                                                       |
| 08/02/2019 |           | Set/Reset Deadlines: Joint Status Report due by 9/13/2019. (zcal) (Entered: 08/02/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 08/06/2019 | <u>43</u> | NOTICE of Filing of Relevant Case Decision by THOMAS J. COLBERT (Attachments: # <u>1</u> Exhibit 1 – SDNY Court Decision)(Zaid, Mark) (Entered: 08/06/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 09/12/2019 | <u>44</u> | Joint STATUS REPORT by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Simon, Jeremy) (Entered: 09/12/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 09/13/2019 |           | MINUTE ORDER. Upon consideration of the parties' <u>44</u> Joint Status Report, it is ORDERED that the parties shall file another joint status report on or before November 13, 2019. So Ordered by Judge Dabney L. Friedrich on September 13, 2019. (lcldf1) (Entered: 09/13/2019)                                                                                                                                                                                                                                                                                                                                                        |



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| 11/12/2019 | <u>45</u> | Joint STATUS REPORT by DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Simon, Jeremy) (Entered: 11/12/2019)                                                                                                                                                              |
| 11/12/2019 |           | MINUTE ORDER. Upon consideration of the parties' <u>45</u> Joint Status Report, it is ORDERED that the parties shall file another joint status report on or before January 16, 2020. So Ordered by Judge Dabney L. Friedrich on November 12, 2019. (lcdlf1) (Entered: 11/12/2019) |